G. R. S. IX-5]

Previous references.

In. D. 308–15. Ser 1–8

File No. 298–16.

1916.

Serial Nos. 1–5

(Inzrai)

Later references.

In. D. 151–17

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 5

Part B for August 17.

SUBJECT.

Archakship of Sri Gangadhareshwara Swamy temple at Bhimanakatte in the Hirihalli Taluk.

4. The Dy. Comm. Shimoga, No. 225. D. 1. 8. 17.
Forwards him a copy of the G. O. passed in the Case directing the dismissal of the Case as no Case is made out by the petnr. for reviewing the G. O. already passed.

5. Do. The Agent of Jamindar Kadur at the place No. 422. D. 20. 8. 17. Informs him the purport of the above G. O.

W D 88—GPB—50,000—24-7-16

V. R. Appadurai.
Br. VII D. 30. 8. 17.

G. R. S. 11] 1916.

GENERAL AND REVENUE SECRETARIAT.

(Inungai)

NOTES.

File No. 298/1916

FILE HEADING.

Archakship of Sri Gangadharaswara Swami Temple at Bhimanakatte in the Tirthahalli Taluk

From

The Swami of Sri Jnanivruda matt at Bhimanakatte

No. Petition Dated 9-11-16 Received 9-11-16.

Diary No.	Enclos.	Spare Copies.	Serial No
730	2 (one Vakalat)		1

BRIEF ABSTRACT OF LETTER.

Prays that G.O.X no. 435/Inung. 2. 308-15 Dt 9.8.1916, declaring the opponent - Rama Bhat - to the hereditary Archak of the Temple, and that the matt has not the power of the appointment of Archak, may be revised and that the matt's right to appoint Archak declared.

NOTES AND ORDERS.

The G.X under English to be reviewed, was issued on 9.8.1916 and the review-application was presented on 9.11.1916. It is within time and has been duly stamped. It may be admitted.

NOTES—First Sheet.

GPB-20,000-8-8-14

G. R. S. 12]

General and Revenue Secretariat. | File No. 298 of 1916.

Serial No.

2) The application for review discusses at length the exhibits filed in the case, and these exhibits and the records were returned to the Dy. Commr.
A draft calling for the record is submitted for appl.
W (S/W) 23-11-1916 ann 24/11/16

3) Ahe

2 No: 1348 dt 30.11.16, & 28/11/16
4) The Dy Comr, Shimoga, calls for records & to the temple in question

3. Done, the Dy. Commr, Shimoga Dis (No. H.C. 316 dt 3.5.1917)
5) Submits the entire Vernacular record called for in Sl. 2.

6) The grounds for review are summarized in the review-petition presented by the matt. The several exhibits referred to in the petition have been flagged. It deals with the merits of the case.
May the review-petition ~~will~~ be posted for hearing ~~ex parte~~ directed, with the next batch of cases.
Submitted ann
W (S/W) 10.5.17 10/5/17

NOTE—Contn. sheet

GPB—70 000—17 12 15

ND 126]—GPD—60 000—1 12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 295 of 191 6

Serial No.

1) The review application does not allude to any fresh material evidence which was not before Govt when the case was heard. The petition is besides argumentative and contests the position taken up by Govt, reproducing arguments which have or should have been brought forward at the time of hearing.

2) The case is for admission and the party has no right to be heard at this stage

3185/18.5.17

(1st member) 17.5.17

289/21.7

2nd para facts in support of the petition contention have been adduced in the Review petn. The new evidence which he now puts forward was before him when the G.O. now sought to be revised was passed. No case has been made out for reviewing the Govt order and the petition dismissed.

21/7/17

21/7/17...

23/7

NOTE—Contn. sheet.

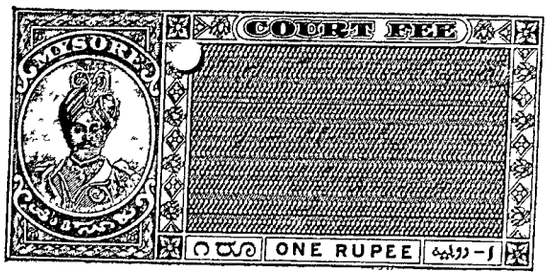
G. R. S. III-2]

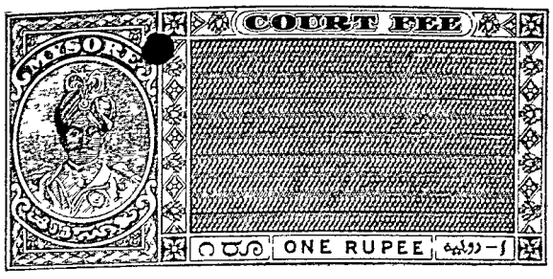
General and Revenue Secretariat.

File No. 298 of 1916

Serial No.	
	Submtd. with a Spl. S.O. may be appd. NB 27/7/17 NW (Rev) 26.7.917 Seen) SD 26-7-17 appd Ker 27/7/17
4	No: 225 of 1.8.17, & draft Sheriffs, & bein a copy of the S.O passed in the case, directing the dismissal of the case as no cause is rendered by the Petr for reviving the S.O already passed. Submtd. with a Spl. ord. for appl. NW (Rev) 15-8-17 appd NB 16/8/17
5	No: 422 of 20.8.17, & the Receipt of the Mukt. deposited by the above SO.

NOTE—Contn. sheet.





2 Re Stamp
1 Encl & 1 Vakalat
ans 9.11.16

Granted in person
& Mr. Narayana
Iyer VII
Dis
9.11.16

730
16-17
Mem
298-16

BEFORE THE GOVERNMENT OF H.H.THE MAHARAJA OF MYSORE.

Review Petition No. of 1916-1917.

Sri Raghubhushana Thirtha Sri Padangalavaru, Swami of the Munivrinda Mutt at Bheemankatta, Thirthahalli Taluq. — Petitioner.

--VS--

Rama Ithal son of Subba Ithal, residing at - Bheemankatte, Thirthahalli Taluq. — Opponent.

The petitioner prays that Government may be pleased to review the order in Memo No.435/Muz.Z-308-15-8 dated 9th August 1916, for the following reasons:-

1. That according to Exhibit B, whose genuineness has been assumed, it is clear that the petitioner has been conferred all the powers of management incidental to the upkeep of the temple and the Puja of the Sri Gangadhareshwara Swami. That these powers necessarily confer the right of appointing an Archak and there is nothing in the deed of gift Ex.B showing that this right is reserved by the donor, or otherwise not conferred on the petitioner; the expression used being (ಪರಿಪೂರ್ಣ,)i.e., he has been placed in the place of the donor.

2. That the petitioner exercised this power -

Exh. G, H - (× Dues of Vikrith Samvatsara)

so far back as 1878 is clear from Exhibits G & H, in removing Ramakrishna Shastry from the office and appointing the father of the present Archak, Naranachar in his place. Exhibit H shows further that the Mutt has exercised the right of appointing till, 1908.

3. Ramakrishna Shastri did not then contest the right of the petitioner to remove him from the office and appointing another in his place, though he was alive for 8 or 10 years thereafter. If this right was a hereditary one his son Shama Shastri who was competent to fill the office would have claimed it; but he did not do so though he was alive till about 1905. The conduct of these persons amounts to a recognition of the petitioner's right, to appoint an Archak and a waiver of their hereditary right, if any.

4. The opponent's claim to the office now claimed by him, cannot rest on any other ground than as the heir of Ramakrishna Shastri. In the first place he has not proved that he is the heir of Ramakrishna Shastri. Assuming him to be the heir, he is precluded from disputing the right of the petitioner by reason of the waiver of the predecessor in title. And as his claim is to be an hereditary office he must prove that he has performed his duties as such in his own right within the statutory period. This difficulty is sought to be overcome by the opponent by the obviously incredible story of the Lingam in the Temple being stolen between the years 1881 and 1892.

On the other hand the Mutt accounts show that the puja was being performed uninterruptedly all the while.

5. Even according to the opponent's version the right which he alleged to have exercised cannot be construed as a hereditary one.

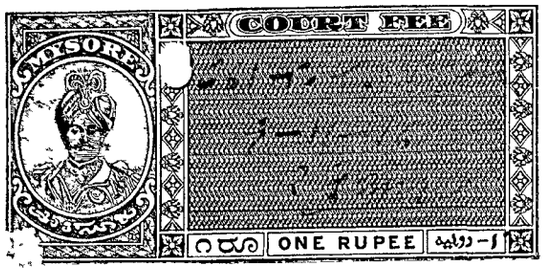
6. The manner in which the opponent alleges the office devolved upon him Viz., after Ramakrishna Shatsri, his son - Shama Shastri, and after him and in the latter's life-time to the opponent, is unsupported by any oral or documentary evidence and is hardly to be believed. Moreover the nature of the right which he alleges now is quite different from the one he set up in his petition to the Amildar of Thirthahalli Taluq - dated 12-9-1914, of in Ex XX in which he claims to derive his title through one - Kammaradi Subbanna Bhatta and not from Shama Shastri as he does now. An authenticated copy of the extract - from the Register is herewith produced for perusal.

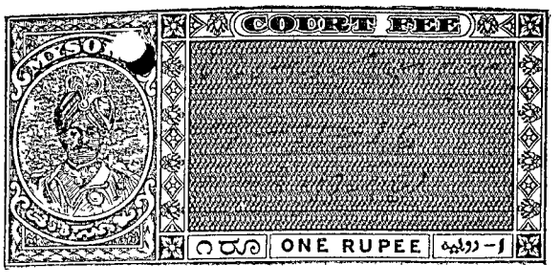
7. The decision that the office of Archak is hereditary and the - power of management ~~is~~ vested in - the Muttt does not include the power of appointment of the Archak of the Temple

Temple makes the working of the services of the Temple complicated and practically impossible.

W H E R E F O R E the petitioner prays the Government Order declaring the opponent the hereditary Archak of the Temple and that the Mutt has not the power of appointment of Archak may be revised, and the Mutt's right to appoint Archak declared.

BANGALORE,
9-11-1916.





ಮೈಸೂರು ಅಂಡ್ ಕರ್ನಾಟಕ ಹೈಕೋರ್ಟ್ ಕೋರ್ಟಿಗೆ.

ಸಿವಿಲ್ ರಿಟ್ ನೇ ಇನವಿ ನಂಬರ್

(ಅರ್ಜಿದಾರ) ವಾದಿ. (ಎದರ ಅರ್ಜಿದಾರ) ಪ್ರತಿವಾದಿ

ಶ್ರೀ ರಮ್ಮನಗೌಡ ಪೈ ಆ ತಿಲ್ಲರ್ ಶ್ರೀ ಸಿದ್ದಲಿಂಗಪ್ಪ ಮತ್ತು ಇತರರು

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ತಾವು ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಮೊಕದ್ದಮೆ ನಡೆಸುವುದಕ್ಕೂ ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಡಿಕ್ರಿ ಜಾರೀಕ್ರಮ ನಡೆಸತಕ್ಕ ಬಗ್ಯೂ, ದಸ್ತೈನಜು ವಗೈರೆ ತೆಗೆದುಕೊಂಡು ರಶೀದಿ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ಪಾಪಸು ಆಗತಕ್ಕ ದಾವಾ ಸ್ಟಾಂಪು ಪ್ರೋಸೆಸ್ ಸ್ಟಾಂಪು ಮತ್ತು ಡಿಕ್ರಿಹಣ ಸಾಕ್ಷಿಭತ್ಯ ಇತ್ಯಾದಿ ಇತರ ವಿಧವಾದ ಎಲ್ಲಾ ಮೊಬಲಗು ತೆಗೆದುಕೊಳ್ಳುವದಕ್ಕೂ ಸಹಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಆದ್ದರಿಂದ ಈ ಭಾಗದಲ್ಲಿ ತಾವೇ ಆಗಲಿ ತಮಗೋಸ್ಕರ ಇನ್ಯಾವ ಲಾಯರೇ ಆಗಲಿ ನನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ದನಾಗಿರುತ್ತೇನೆ.

ತಾರೀಖು ನೇ
೧೯೧೧ ನೇ ಇನವಿ } ರುಜು.

ಅಂಗೀಕರಿಸಿರುತ್ತೇನೆ.

Advocate

Counsel for 9/11/16 Bangalore

ಈ ಮೊಖ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ಥರು, ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿದ್ದಾರೆ. 9/11/16

29/4

G.R.S. 26]

SUBJECT Calls for the record relating to Sri Gangadharaswara Swami Temple at Bhimanakatte, Nathalli Taluk

Diary No. of letter replied to 730

Section Jud 2
File No. 298
Serial No. 916/2

General and Revenue Secretariat

( )

, the 191 .

No 1348

Date of issue 30.11.1916.

To

The Dy. Commr
Shimoga Dist

Signed by M.G. Narasimhaiengar

Sir,

I am directed to request that you will be so good as to forward it an early date, the entire Venu records returned under cover of Memo no. 435—Jud. 2. 308-15-8 Dt. 9th August 1916 relating to the Archakship of Sri Gangadharaswara Swami

over.

Temple at Bhimanakatte
in the Tirthahalli Taluk,
as they are required for reference
in connection with a
review application filed
by the Matt.

I have etc.

Sd/- illegible
24/11/16 for Joint Secretary.

List of enclosures.

Copied by

Examined by

GPB.—20,000—11 2 14

H.C.No.316(Rev)1916-17. Office of the Deputy Commissioner,

Dated Shimoga 3rd May 1917.

From

A. Subramanya Iyer, Esquire, B.A.,

Deputy Commissioner,

Shimoga District.

To

D&M. Narasinga Rao, Esquire, B.A.B.L.,

Secretary to the Government of Mysore,

General Department,

Bangalore.

Sir,

With reference to your No.1348 Muz: 298-16-2 dated 30th November 1916 requesting to submit the entire vernacular records relating to the Archakship of Sri Gangadhareswaraswami temple at Bhimanakatte in the Thirthalli Taluk for reference in connection with a review application filed by the Matt, I have the honor to forward herewith the entire record receive with Thirthalli Taluk Amildar's No.858 dated the 23rd December 1916.

I have the honor to be,

S i r,

Your most obedient servant,

Deputy Commissioner,

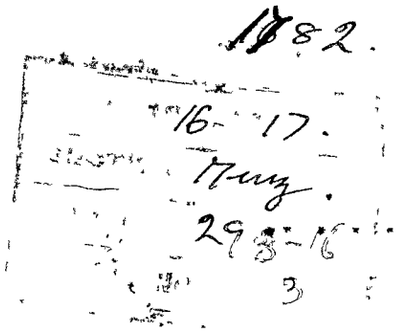
Shimoga District.

1916-17.

From

The Deputy Commissioner,

Shimoga District.



To

The Secretary to the Government of Mysore, General Department, Bangalo

Dated 3rd May 1917.

Despatched

Received 4 MAY 1917

General No. H.C.316(Rev)1916-17.

No.

Enclosure No. file

Forwards entire record of Sri Gangadhareswaraswami temple at -nakatte of Thirthalli.

Before the Government of His Highness the Maharaja of Mysore.

Review-petition ~~Appeal~~ No. 27 of 1916-17

Petitioner ~~Appellant~~. Vs. ~~Respondent~~.

The Swamiji of Sri Muniswamy math at Bhimanakatte in the Tirthahalli Taluk. Rama

Subject.-

~~Review~~ - Application from the Swamiji of Sri Muniswamy math praying for a re-consideration of Govt order no. 435/Muz. J. 308-15-8 dated 9th August 1916 declaring that Rama Bhat is the hereditary Archak of Sri Gangadhareswara Swami Temple at Bhimanakatte, and that the math has not the right to appoint an Archak to the institution.

order

GPE-500-12-8-13

no fresh facts in support of the petitioner's contention have been adduced in this Review petition. All the evidence which he now puts forward was before Government when the impt order now sought to be reviewed was passed. no case has been made out for reviewing the said order. the petition is dismissed.

Memo no. 225 dy 1 Jan 1917 E. IC
Mus 298-16-4

Copy to the Dy.
Canmr, Shimoga Dist,
with the vernacular records.
received with his letter no
316 dy 3rd may 1917.

By order

27/2/17
Assistant Secretary
Mus. Dept

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

No 422 Dt 20-8-917

Mis 298-16-5

B. O.

16/8

Assistant Mis. Secy

16/8/17